

Debtor **MICHAEL WAYNE MOORE**  
**TERRI LEEANNA MOORE**

United States Bankruptcy Court for the **MIDDLE DISTRICT OF TENNESSEE**  
[Bankruptcy district]

☐ Check if this is an  
amended plan

Case number: \_\_\_\_\_

## Chapter 13 Plan

### Part 1: Notices

**To Debtor(s):** This form sets out options that are appropriate in some cases but not in others. The presence of an option does not indicate that the option is appropriate in your circumstances.

**To Creditors:** Your rights are affected by this plan. Your claim may be reduced, modified, or eliminated.

If you oppose the treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 5 days before the meeting of creditors or raise an objection on the record at the meeting of creditors. The Bankruptcy Court may confirm this plan without further notice if no timely objection to confirmation is made. In addition, a timely proof of claim must be filed before your claim will be paid under the plan.

Debtor(s) must check one box on each line to state whether the plan includes each of the following items. If an item is not checked as "Included" or if both boxes are checked, the provision will not be effective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in § 3.2, which may result in partial payment or no payment to the secured creditor.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 9.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

### Part 2: Plan Payments and Length of Plan

**2.1 Debtor(s) will make payments to the trustee as follows:**

Payments made by	Amount of each payment	Frequency of payments	Duration of payments	Method of payment
<input checked="" type="checkbox"/> Debtor 1	<b>\$200.00</b>	<b>Bi-Weekly</b>	<b>60</b> months	<input type="checkbox"/> Debtor will make payment directly to trustee
<input checked="" type="checkbox"/> Debtor 2	<b>\$225.00</b>	<b>Bi-Weekly</b>	<b>60</b> months	<input checked="" type="checkbox"/> Debtor consents to payroll deduction from: <b>GENERAL PARTS DISTRIBUTION LLC</b> <b>2635 MILLBROOK RD</b> <b>RALEIGH, NC 27604</b> <b>\$200.00 BI-WEEKLY</b>  <b>SHOE CARNIVAL</b> <b>7500 E COLUMBIA ST</b> <b>EVANSVILLE, IN 47715</b> <b>\$225.00 BI-WEEKLY</b>

Insert additional lines as needed.

### 2.2 Income tax refunds.

Check one.

- ☒ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income refunds as follows:  
\_\_\_\_\_  
\_\_\_\_\_

### 2.3 Additional payments.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.3 need not be completed or reproduced.

**2.4 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.3 is \$53,400.00.**

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of default.** Check one.

☒ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

**3.2 Request for valuation of security and claim modification.** Check one.

☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.  
**The remainder of this paragraph will be effective only if the applicable box in § 1. is checked.**

☒ For each claim listed below, the debtor(s) request that the court determine the value of the creditor's interest in any property securing the claim based on the amount stated in the column headed Value securing claim. If this amount exceeds any allowed claim amount, the claim will be paid in full with interest at the rate stated below. If the amount is less than the allowed claim amount, the claim will be paid the full value securing the claim, with interest at the rate stated below.

The portion of any allowed claim that exceeds the value securing the claim will be treated as an unsecured claim under § 5.1. If the value securing a creditor's claim is listed below as zero or no value, the creditor's allowed claim will be treated entirely as an unsecured claim under § 5.1. The avoidance of any lien because it is not secured by any value must be addressed in Part 9. The amount of a creditor's total claim stated on a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount stated below.

The holder of any claim listed below as secured by any value will retain the lien until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) discharge under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

If relief from the automatic stay is ordered as to any collateral listed below, all payments under this section to creditors secured by that collateral will cease.

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Value securing claim	Interest rate	Monthly payment
EASY MONEY	\$1,400.00	2009 KIA RONDO APPROX. 83,072 miles	\$6,675.00	\$0.00	\$1,400.00	4.25%	\$25.94

Insert additional claims as needed.

**3.3 Secured claims excluded from 11 U.S.C. § 506.** Check one.

☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

☒ The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year before the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full through the trustee as stated below. The claim amount stated on a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below.

If relief from the automatic stay is ordered as to any collateral listed below, all payments under this section to creditors secured by that collateral will cease.

Name of Creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment
Exeter Finance Corp	2015 NISSAN VERSA APPROX. 28,000 miles	\$15,635.00	4.25%	\$289.71

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*Insert additional claims as needed.*

**3.4 Lien avoidance.** *Check one.*

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

**3.5 Surrender of collateral.** *Check one.*

☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒ The debtor(s) surrender to each creditor below the listed collateral. Upon confirmation of this plan the stay under 11 U.S.C. § 362(a) will be terminated as to the collateral only and the stay under § 1301 will be terminated in all respects. Any allowed unsecured claim resulting from disposition of surrendered collateral will be treated as an unsecured claim under § 5.1.

Name of Creditor	Collateral	Anticipated Deficiency
United Consumer Financial Services	VACCUUM CLEANER (DEBTOR'S NO LONGER HAVE)	\$1,107.00

*Insert additional claims as needed.*

**Part 4: Treatment of Priority Claims (including Attorney's Fees and Domestic Support Obligations)**

**4.1 Attorney's fees.**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be **\$3,900.00**. The remaining fees and any additional fees that may be awarded shall be paid through the trustee as specified below. Check one.

☐ The attorney for the debtor(s) shall receive a monthly payment of \$.

☒ The attorney for the debtor(s) shall receive available funds.

**4.2 Domestic support obligations.**

**(a) Pre- and postpetition domestic support obligations to be paid in full.** *Check one.*

☒ **None.** If "None" is checked, the rest of § 4.2(a) need not be completed or reproduced.

**(b) Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.** *Check one.*

☒ **None.** If "None" is checked, the rest of § 4.2(b) need not be completed or reproduced.

**4.3 Other priority claims.** *Check one.*

☐ **None.** If "None" is checked, the rest of § 4.3 need not be completed or reproduced.

☒ The priority claims listed below will be paid in full through the trustee. Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below.

Name of Creditor	Estimated amount of claim to be paid
ERIN MOORE	\$0.00- ARREARAGE- DEBTOR IS CURRENT AND WILL MAKE \$265.01 MONTHLY CONTINUING PAYMENTS TO BE PAID DIRECTLY BY DEBTOR THROUGH DEDUCTION FROM HIS PAYCHECK.
TN CHILD SUPPORT	\$1,500.00 CHILD SUPPORT ARREARAGE. \$325.00 MONTHLY CONTINUING PAYMENT TO BE PAID BY TRUSTEE.

*Insert additional claims as needed.*

**Part 5: Treatment of Nonpriority Unsecured Claims and Postpetition Claims**

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

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The sum of \$

**20.00** % of the total amount of these claims.

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

**5.2 Interest on allowed nonpriority unsecured claims not separately classified. Check one.**☒**None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.**5.3 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**☒**None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.**5.4 Separately classified nonpriority unsecured claims. Check one.**☒**None.** If "None" is checked, the rest of § 5.4 need not be completed or reproduced.**5.5 Postpetition claims allowed under 11 U.S.C. § 1305.**

Claims allowed under 11 U.S.C. § 1305 will be paid in full through the trustee.

**Part 6: Executory Contracts and Unexpired Leases****6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**☐**None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.☒**Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor, as specified below. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of Creditor	Description of leased property or executory contract	Treatment (Refer to other plan section if applicable)	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
ROSEANNA STILSON	12 MONTH RESIDENTIAL LEASE WITH 10 MONTHS REMAINING AT \$600 PER MONTH.	DEBTORS TO ASSUME AND PAY DIRECTLY	\$600.00 PER MONTH	0.00	\$0.00

**Part 7: Order of Distribution of Available Funds by Trustee****7.1 The trustee will make monthly disbursements of available funds in the order specified. Check one.**☒ **Regular order of distribution:**

- a. Filing fees paid through the trustee
- b. Current monthly payments on domestic support obligations
- c. Other fixed monthly payments

If available funds in any month are not sufficient to disburse all fixed monthly payments due under the plan, the trustee will allocate available funds in the order specified below or pro rata if no order is specified. If available funds in any month are not sufficient to disburse any current installment payment due under § 3.1, the trustee will withhold the partial payment amount and treat the amount as available funds in the following month.

**1. Monthly Payments on Secured Debts****2. Continuing Domestic Support Obligations \$325.00 per month***Insert additional lines as needed.*

- d. Disbursements without fixed monthly payments, except under §§ 5.1 and 5.5

The trustee will make these disbursements in the order specified below or pro rata if no order is specified.

**1. Attorney's Fee's (All Available Funds)****2. Child Support Arrears***Insert additional lines as needed.*

- e. Disbursements to nonpriority unsecured claims not separately classified (§ 5.1)

- f. Disbursements to claims allowed under § 1305 (§ 5.5)

☐ **Alternative order of distribution:**

*Insert additional lines as needed.***Part 8: Vesting of Property of the Estate**

**8.1 Property of the estate will vest in the debtor(s) upon discharge or closing of the case, whichever occurs earlier, unless an alternative vesting date is selected below. Check the applicable box to select an alternative vesting date:**

Check the applicable box:

☐ plan confirmation.

☒ other: **ENTRY OF A DISCHARGE**

**Part 9: Nonstandard Plan Provisions**

☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

**9.01 Adequate Protection Payments.** Prior to confirmation the Trustee shall pay on account of allowed secured claims as specified in § 5.02(a), (b) and (c) adequate protection payments as required by § 1326(a)(1)(C) commencing the month after the petition is filed provided that a Proof of Claim has been filed. Adequate protection payments shall be disbursed by the Trustee in the customary disbursement cycle beginning the month after the petition is filed.

**9.02 Vesting of Property.** All property of the estate remains property of the estate notwithstanding confirmation and shall not revert in the Debtor(s) until dismissal or discharge.

**9.03 Duties of the Debtor(s).** In addition to the duties imposed by the Bankruptcy Code, Bankruptcy Rules and Local Bankruptcy Rules, this plan imposes the following additional duties on the Debtor(s):

**(a) Transfers of Property and New Debt.** Debtor(s) is prohibited from transferring, encumbering, selling or otherwise disposing of any property of the estate with a value of \$1,000 or more without first obtaining court authorization. Except as provided in § 364 and § 1304, Debtor(s) shall not incur new debt without first obtaining court authorization or obtaining Trustee consent pursuant to § 1305.

**(b) Insurance.** Debtor(s) shall maintain insurance protecting all property of the estate to the extent of any value in excess of the liens and exemptions on such property.

**9.04 Effective Date of the Plan.** The date the confirmation order is entered shall be the Effective Date of the Plan.

**9.05 Preservation and Retention of Causes of Action.** Trustee and/or Debtor(s) retain the right to pursue any causes of action for the benefit of the Debtor(s) and/or the estate.

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The Trustee is authorized to pay any postpetition fees, expenses, and charges, notice which is properly filed pursuant to Rule 3002.1. FED. R. BANKR., and as to which no objection is raised, at the same disbursement level as the arrearage claim listed above.

**Part 10: Signatures:**

X /s/ SCOTT D. WILSON

Date September 22, 2017

**SCOTT D. WILSON**

Signature of Attorney for Debtor(s)

X \_\_\_\_\_

X \_\_\_\_\_

Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)

By filing this document, the Attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the form required under the Local Rules for the Bankruptcy Court for the Middle District of Tennessee, other than any nonstandard provisions included in Part 9.